

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
(PITTSBURGH DIVISION)

ZHONG ZHUANG,

No.

Plaintiff,

vs.

THE HANOVER INSURANCE COMPANY,

Defendant.

NOTICE OF REMOVAL

AND NOW, comes the Defendant, THE HANOVER INSURANCE COMPANY, by and through its attorneys at the law firm of DiBella, Geer, McAllister and Best, P.C., and hereby files the following Notice of Removal:

1. The removing party is the Defendant in the above-entitled action.
2. On March 23, 2015, the above-entitled action was commenced against the removing party in the Court of Common Pleas of Allegheny County, and is now pending in such court.
3. On March 26, 2015, The Hanover Insurance Company was served via certified mail with a Complaint captioned "*Zhong Zhuang. v. The Hanover Insurance Company*", filed at No. GD 15-004300 in the Civil Division of the Court of Common Pleas of Allegheny County. A copy of the Complaint served on the Defendant is attached hereto as Exhibit "A".
4. No further proceedings have taken place in this action in said state court.

5. The Complaint filed in this action alleges causes of action for breach of contract (Count I) by the Defendant under a contract of insurance issued by it, breach of a third party beneficiary contract (Count II), and bad faith (Count III).

6. In his actions for breach of contract and breach of a third party beneficiary contract, Plaintiff seeks recovery of the amount of \$904,119.18. According to the Complaint, this is the amount of a judgment entered in favor of the Plaintiff and against an attorney, Erik Sobkiewicz, in a legal malpractice action. The Plaintiff alleges Defendant is obligated to provide coverage for this judgment amount under a professional liability insurance policy issued by it. The Complaint further alleges that Sobkiewicz has assigned to the Plaintiff any and all claims or causes of action he has under the Defendant's insurance policy. In his bad faith action, Plaintiff seeks recovery of interest on the claim amount, punitive damages and attorneys' fees.

7. The amount in controversy in the above-entitled action, based on the allegations in the Complaint, exclusive of interest and costs, therefore exceeds \$75,000.

8. Plaintiff is an individual and a citizen of the Commonwealth of Pennsylvania. His residence address is 1510 Shady Avenue, Pittsburgh, Pennsylvania 15217.

9. Defendant The Hanover Insurance Company is a corporation organized and existing under the laws of the State of New Hampshire with a principal place of business at 440 Lincoln Street in Worcester, Massachusetts 01653.

10. This Court has original jurisdiction of the above-entitled action pursuant to 28 U.S.C.A. § 1332, and the action may therefore be removed to this Court pursuant to 28 U.S.C.A. § 1441(a).

11. This Notice of Removal is being filed in a timely manner pursuant to 28 U.S.C. § 1446(b), as it is within 30 days after Service of a copy of the Complaint upon the Defendant.

12. Copies of all pleadings and processes filed to date are attached.

13. As required by 28 U.S.C. §1446(d), a copy of this notice is being filed with the clerk of the Court of Common Pleas of Allegheny County, Pennsylvania, on the date set forth below. On the same date, a copy of this notice is being served on Plaintiff's attorney.

WHEREFORE, the Defendant, The Hanover Insurance Company, respectfully requests that the above-entitled action be removed from the Court of Common Pleas of Allegheny County to this Court.

JURY TRIAL DEMANDED

Respectfully submitted,

DiBELLA, GEER, McALLISTER & BEST, P.C.

By: /s/ Donald L. Best, Jr.
Donald L. Best, Jr., Esquire
PA I.D. NO: 39221
Firm I.D. No. 099
20 Stanwix Street, 11th Floor
Pittsburgh, PA 15222
Email: dbest@dgmblaw.com
Phone: (412)261-2900
FAX: (412)261-3222

Attorneys for Defendant,
The Hanover Insurance Company

Dated: 04/10/2015

CERTIFICATE OF SERVICE

I, DONALD L. BEST, JR., ESQUIRE, hereby certify that a true and correct copy of the foregoing NOTICE OF REMOVAL was served by first class mail, postage prepaid, this 10th day of April, 2015 upon the following:

Robert O. Lampl, Esquire
960 Penn Avenue
Suite 1200
Pittsburgh, PA 15222
(Attorney for Plaintiff)

/s/ Donald L. Best, Jr.
Donald L. Best, Jr., Esquire

Attorney for Defendant, THE HANOVER
INSURANCE COMPANY